

§ 437.67

distance accounts for all uncertainties in the analysis.

§ 437.67 Tracking a reusable suborbital rocket.

A permittee must—

- (a) During permitted flight, measure in real time the position and velocity of its reusable suborbital rocket; and
- (b) Provide position and velocity data to the FAA for post-flight use.

§ 437.69 Communications.

- (a) A permittee must be in communication with Air Traffic Control during all phases of flight.
- (b) A permittee must record communications affecting the safety of the flight.

§ 437.71 Flight rules.

- (a) Before initiating rocket-powered flight, a permittee must confirm that all systems and operations necessary to ensure that safety measures derived from §§ 437.55, 437.57, 437.59, 437.61, 437.63, 437.65, 437.67, and 437.69 are within acceptable limits.
- (b) During all phases of flight, a permittee must—
 - (1) Follow flight rules that ensure compliance with §§ 437.55, 437.57, 437.59, and 437.61; and
 - (2) Abort the flight if it would endanger the public.
- (c) A permittee may not operate a reusable suborbital rocket in a careless or reckless manner that would endanger any member of the public during any phase of flight.
- (d) A permittee may not operate a reusable suborbital rocket in areas designated in a Notice to Airmen under § 91.137, § 91.138, § 91.141, or § 91.145 of this title, unless authorized by:
 - (1) Air Traffic Control; or
 - (2) A Flight Standards Certificate of Waiver or Authorization.
- (e) For any phase of flight where a permittee operates a reusable suborbital rocket like an aircraft in the National Airspace System, a permittee must comply with the provisions of part 91 of this title specified in an experimental permit issued under this part.

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§ 437.73 Anomaly recording, reporting and implementation of corrective actions.

- (a) A permittee must record each anomaly that affects a safety-critical system, subsystem, process, facility, or support equipment.
- (b) A permittee must identify all root causes of each anomaly, and implement all corrective actions for each anomaly.
- (c) A permittee must report to the FAA any anomaly of any system that is necessary for complying with §§ 437.55(a)(3), 437.57, and 437.59, and must report the corrective action for each reported anomaly.
- (d) A permittee must implement each corrective action before the next flight.

§ 437.75 Mishap reporting, responding, and investigating.

A permittee must report, respond to, and investigate mishaps that occur during permitted activities, in accordance with this section.

- (a) *Reporting requirements.* A permittee must—
 - (1) Immediately notify the FAA Washington Operations Center if there is a launch or reentry accident or incident or a mishap that involves a fatality or serious injury, as defined in 49 CFR 830.2;
 - (2) Notify within 24 hours the FAA's Office of Commercial Space Transportation if there is a mishap that does not involve a fatality or serious injury, as defined in 49 CFR 830.2; and
 - (3) Submit within 5 days of the event a written preliminary report to the FAA's Office of Commercial Space Transportation if there is a launch or reentry accident or incident during a permitted flight. The report must identify the event as a launch or reentry accident or incident, and must include:
 - (i) The date and time of occurrence,
 - (ii) A description of the event and sequence of events leading to the launch or reentry accident, or launch or reentry incident, to the extent known,
 - (iii) The intended and actual location of launch or reentry, including landing or impact on Earth,
 - (iv) A description of any payload,
 - (v) The number and general description of any fatalities and injuries,